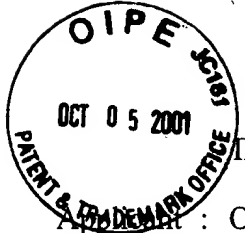


#3a

Attorney's Docket No.: 07575-053001

1-15-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Omar Gadir, et al.

Art Unit : Unknown

Serial No. : 09/911,902

Examiner : Unknown

Filed : July 23, 2001

Title : HIGH-AVAILABILITY CLUSTER VIRTUAL SERVER SYSTEM

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as follows:

In the claims:

Amend claim 27 as follows:

27. (Amended) The product of claim 25, further comprising instructions to:

recognize a virtual server that is identified as not to be migrated in the event of node failure and prevent migration of a so-identified virtual server when it is on a node that fails.

Add claims 35-40:

10/10/2001 NMOHAMM1 00000015 09911902

01 FC:203
02 FC:202

54.00 OP
84.00 OP

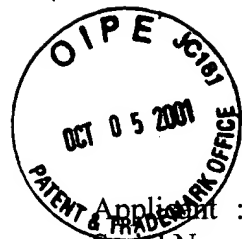
CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 1, 2001
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Diana Bradley
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Diana Bradley
Typed or Printed Name of Person Signing Certificate



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TRANSMITTAL LETTER

The following correspondence relating to this application is enclosed.

- Preliminary Amendment (5 Pages).

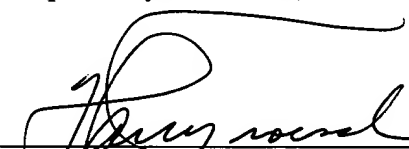
The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Total Claims	40	-	34	=	6	\$54
Independent	7	-	5	=	2	\$84
First Presentation of Multiple Dependent Claims						\$0
TOTAL FEE DUE						\$138

A check for \$138 is attached.

Respectfully submitted,

Date: 01 Oct 01


Hans R. Troesch
Reg. No. 36,950

Fish & Richardson P.C.
2200 Sand Hill Road, Suite 100
Menlo Park, California 94025
Telephone: (650) 322-5070
Facsimile: (650) 854-0875
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01 FC:203
02 FC:202

54.00 DP
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